

Notice of Allowability

Application No.

10/817,030

Examiner

Nathan M. Nutter

Applicant(s)

VAN DUN ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5 January 2006.
2. ☒ The allowed claim(s) is/are 55-80 and 83-90.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 01-06
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
- ☒ Examiner's Amendment/Comment
- ☒ Examiner's Statement of Reasons for Allowance
- ☐ Other _____

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jane Terry on 28 March 2006.

The application has been amended as follows:

In the claims:

In claim 65, delete the claim identifier "(Currently Amended)" and insert, therefor

----(Previously Presented)----.

Cancel claim 91.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: no prior art has been found that either teaches or fairly suggests the production of a polyethylene composition comprising a low-molecular-weight (LMW) ethylene homopolymer component and a high-molecular-weight (HMW) ethylene interpolymer component and

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"wherein the LMW component has a molecular weight distribution, MWD^L , of less than about 8, and wherein the HMW component has a molecular weight distribution, MWD^H , less than about 5, a substantially uniform comonomer distribution and a melt index, I_2 , less than, or equal to, 0.1 g/10 min.," or wherein the HMW component has a reverse comonomer distribution, as recited in claim 55. Further, no prior art has been found that either teaches or fairly suggests the production of a polyethylene composition comprising "a low-molecular-weight (LMW) ethylene homopolymer component, and a high-molecular-weight (HMW) ethylene interpolymer component, and wherein the LMW component has a molecular weight distribution, MWD^L , of less than about 8, and wherein the same catalyst system is used to make the LMW component and the HMW component, and wherein the composition has a molecular weight distribution less than 17.5." Further, no prior art has been found that either teaches or fairly suggests the production of a polyethylene composition comprising "a low-molecular-weight (LMW) ethylene homopolymer component, and a high-molecular-weight (HMW) ethylene interpolymer component, and wherein the LMW component is characterized as having a molecular weight distribution, MWD^L , of less than about 8, and wherein the LMW component is prepared from a constrained geometry catalyst." Claims 85 through 90 recite parameters that are included in the broad claims and are deemed to be patentable since no reference has been found that either teaches or fairly suggests the subject matter of the claims. The references to Cheruvu et al (US 6,194,520) and Schramm et al (US 2004/0266966), both newly cited, fail to teach or suggest the instantly claimed invention. Neither reference teaches or suggests any distribution of

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monomers and comonomers, as required herein. Since there are no other outstanding issues with regard to the clarity or enablement of the claims, these claims are deemed to contain allowable subject matter.

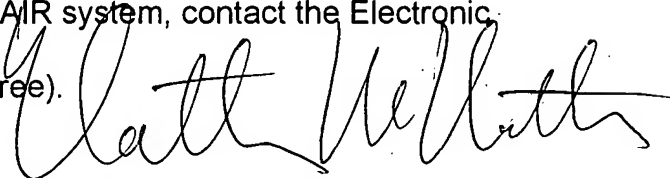
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan M. Nutter whose telephone number is 571-272-1076. The examiner can normally be reached on 9:30 a.m.-6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Seidleck can be reached on 571-272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Nathan M. Nutter
Primary Examiner
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nmn

26 March 2006